

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MISTY E. BROWER,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-0792-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social,)	
Security Administration)	
)	
Defendant.)	

ORDER

Plaintiff Misty E. Brower filed this action seeking judicial review of the final decision of the Acting Commissioner of the Social Security Administration denying her applications for disability insurance benefits and supplemental security income. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Suzanne Mitchell who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge concluded the Administrative Law Judge erred by failing to weigh the consultative examiner's opinion or explain her failure to adopt his RFC assessment.¹ Those errors, the magistrate judge found, require the reversal of the Commissioner's decision.


The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C.

¹*The magistrate Judge also notes several additional errors. See Report and Recommendation, Doc. #24, p.3 n.3.*

§636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Mitchell's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED.

Dated this 3rd day of August, 2015.



JOE HEATON
UNITED STATES DISTRICT JUDGE